TN's Contempt Petition on Cauvery

Why in news?

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- Tamil Nadu government has filed a contempt petition seeking action against the Centre for not setting up the Cauvery Management Board (CMB).
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How did the dispute evolve?

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- The dispute over Cauvery water sharing started as Tamil Nadu’s share of water got reduced due to the multiple dams that Karnataka built across the river.
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- A case was filed and “Cauvery Water Dispute Tribunal” (CWDT) was constituted, which pronounced its verdict in 2007.
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- The 2007 verdict specified the quantum of water for each state and mandated the creation of a “Cauvery Management Board” (CMB).
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- The CMB was envisioned on the lines of “Bhakra-Beas Management Board” (BBMB), based on “Inter-State River Water Disputes Act”, 1956.
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- The board was supposed to have representatives of all the concerned governments (including the union government).
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- The water release was to be overseen by a commission constituted by the board.
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- But the case went up for further appeal in the SC.
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What is the recent SC judgement?

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- The SC ruled, in Feb 2018, by reducing the allocation of water for Tamil Nadu.
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- It also called for a “Water Management Scheme” for dividing water between the concerned states - Karnataka, TN, Kerala and Puducherry.
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- The deadline for constituting such a scheme was fixed by the SC as March 29$^{th.}$
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- But the Centre did not constitute the CMB within this deadline.
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- It has instead asked for a 3 months extension.
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- Meanwhile, TN government has filed a contempt petition against the center for non-compliance with the court orders.
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- Widespread protests have erupted in Tamil Nadu.
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What is the Centre’s argument?

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- TN government had perceived the “management scheme” in the recent judgement refered to the CMB as mentioned in the 2007 Tribunal order.
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- But the center has sought clarification from the SC on what exactly “water management scheme” meant, as there are multiple options possible.
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- Center has stated that even existing boards such as Bhakra-Beas Management Board (BBMB) and the Narmada Control Authority (NCA) are not similar.
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- Notably, BBMB, has control over operation, maintenance, regulation and control including ownership of the structure.
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- But NCA only looks after the implementation of the Tribunal award with respect to the storage, apportionment, regulation and control of waters.

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- Hence, the ownership, operation and maintenance of structures across Narmada lie with the respective states (MP, Maharastra, Gujarat and Rajasthan).
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- As there is a divergence in views among the states concerned in the “Cauvery case”, the center has expressed its inability to proceed unilaterally.
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- Notably, the CJI had indicated currently that the court is open to a management scheme that is in variance with the CMB as envisoned in 2007 tribunal order.
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What are the views of other stakeholders?

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- **Karnataka -** According to the state, the apex court has left the contents of the management scheme open to the discretion of the Centre.
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- It has maintained that Tamil Nadu’s contention that CMB should be constituted was against the autonomy of the state over rivers.
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- **Kerala -** Kerala has suggested that the CMB should be headed by the Union Secretary of water resources and have 4 additonal secretaries.
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- It has also stated that the board should only ensure that the states do not overshoot the quantity of water allocated to them.
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- Additionally, Kerala has also petitioned the court to give it complete autonomy to use the 30 TMC ft of water allocated to it according to its own needs.
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- **Puducherry -** The Union Territory has been allocated 7 TMC ft of water for its Karaikal enclave, which falls in the Tamil Nadu delta region.
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- While the Puducherry government wanted to file a contempt plea against the

Centre, it was turned down by the Lt. Governor on technical grounds.
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Source: Indian Express

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